IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Zosel *et al.*		
Serial No.:	10/052,677	Examiner:	Allyson N. Trail
Filed:	January 18, 2002		
For:	CAMERA POSITIONING AND CONFIRMATION FEEDBACK SYSTEM	Art Unit:	2876
Docket No.:	5557.P006		

DECLARATION OF BRUCE R. SCHARF
37 C.F.R. § 1.132

I, Bruce R. Scharf, hereby declare as follows:

1. Microscan Systems, Inc., is the assignee of the above-noted patent application by virtue of an assignment recorded in the U.S. Patent Office at Reel 012689, Frame 0599.

2. I am the Vice President of Engineering of Microscan Systems, Inc.

3. I have read and understood the specification and claims in the above-captioned patent application.

4. I have read and understood the specification and drawings of U.S. Patent No. 6,019,286 to Li *et al.* (hereinafter "Li").

5. Li is assigned on its face to Metanetics Corporation of Fort Meyers, Florida (hereinafter "Metanetics").

6. Upon information and belief, Metanetics manufactured scanners substantially as shown and described in Li and sold them to the Auto-Image ID Corporation (hereinafter "Auto-Image ID"), after which Auto-Image ID re-sold the scanners under their own brand name

pursuant to a re-branding agreement with Metanetics. The Metanetics label attached to the scanner's optical assembly, as shown in Exhibits E-G, supports this information and belief.

7. I have obtained an Auto-Image ID Model 2100/2150 scanner. Photographs of the Model 2100/2150 scanner are attached hereto as Exhibits A-D. The views of the Model 2100/2150 scanner shown in Exhibits A-D substantially correspond to views shown in Figures 3-6 of Li.

8. Upon information and belief, the Auto-Image ID Model 2100/2150 scanner shown in Exhibits A-D is substantially the same scanner as the one illustrated and described in Li, or at least has substantially the same optical arrangement as the scanner illustrated and described in Li.

9. At my direction, the Auto-Image ID Model 2100/2150 scanner shown in Exhibits A-D was tested to evaluate whether the targeting beams disclosed in the patent always intersect at the center of the field of view of the scanner's imaging optics. The methodology and results of the test are shown in Exhibits E-H.

10. The test of the Auto-Image ID Model 2100/2150 scanner was conducted as follows, with reference to Exhibits E-H:

(a) Exhibit H is a digital photograph of a target. The target is a sheet of paper with a rectangle drawn thereon with approximate dimensions of 5 inches by 3.75 inches. These dimensions correspond to the preferred size of the field of view specified by Li at a distance of 8.5 inches between the target and the scanner's imaging optics (*see* Li at col. 8, line 22).

(b) A vertical dashed line that substantially bisects the top and bottom sides of the rectangle was drawn on the target, as was a horizontal dashed line that substantially bisects the left and right sides of the rectangle. The intersection of the vertical and horizontal dashed lines thus represents the center of the field of view.

(c) While maintaining the intersection of the vertical and horizontal dashed lines at the center of the field of view of the scanner's imaging optics, the scanner's targeting beams were projected onto the target while the distance between the imaging optics and the target was changed. Exhibit E is a photograph showing the targeting beams projected onto the target at distance of 2 inches between target and imaging optics; Exhibit F at 5.5 inches between target and imaging optics; and Exhibit G at 9 inches between target and imaging optics.

(d) At each of the three distances between the target and the imaging optics illustrated in Exhibits E, F and G, the position on the target where the centerlines of the projections of the targeting beams intersected was marked directly on the target with a triangle symbol. The target with the triangle symbols thereon is shown in Exhibit H.

11. Exhibits E-G, as well as the triangles marked on the target in Exhibit H, demonstrate that the intersection of the targeting beams produced by the Auto-Image ID Model 2100/2150 scanner does not remain at the center of the field of view of the imaging optics independently of the distance between the target and the imaging optics.

12. All statements made herein based on my own knowledge are true, and any statements made upon information and belief are believed to be true. I understand that willful

false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

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Respectfully submitted,

Date: 10 October 2005

Bruce R. Scharf